

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Matt Severino, William Bischoff, Patricia Dziubek, Frank Mazza

Absent: Rob Haynes, joined the meeting at 8:17 pm

Others Present: J. Peter Jost, Esq., John Reymann, Twp. Engineer, Grace Brennan, CFO, Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Regular and Executive Session I and II Meeting Minutes of August 6, 2008.

Mr. Severino made a motion to approve said minutes. Mr. Bischoff seconded the motion. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstained: Mr. Mazza. Motion carried.

OUT OF AGENDA ORDER

- a. Clerk’s Report
- Motion to approve Application for Special Permit for Social Affair-Trade Association of Paddlesports

After Atty. Jost stated that the application and Certificate of Insurance was satisfactory, Mr. Bischoff made a motion to approve above-mentioned application. Mr. Severino seconded. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

VISITORS

- a. Brain Kirkpatrick – Planning Board Chairman

Mr. Kirkpatrick gave a brief update on last night’s Planning Board meeting. He stated that Pilot Travel Centers LLC was granted a conditional use variance for its operations at the former Johnny’s Truck Stop. Pre-conditions relate to emergency services, approval of the site circulation plan for traffic, and development of the emergency management response plan. All aforementioned are subject to approval by municipal OEM, State Police and all Agencies that have jurisdiction.

- b. Jeff Polenz – OEM Coordinator

Mr. Polenz provided the Committee with a letter that included data with respect to amount of responses by the State Police in Union Twp for the past two years. He prepared a spreadsheet with a specific number to a specific response. Mr. Polenz briefly explained that the data provided does not clearly state that it was the Police that actually responded to all of them.

Mr. Severino suggested we require additional information from the State Police.

Mrs. Dziubek would like to distinguish the number of responses to the State owned facilities located in our Township.

Atty. Jost said that we could try requesting additional documents from the State Police under the OPRA law.

Debbie Hirt, Twp. resident, suggested calling NJ DOT to see if they could provide additional data regarding Police activities along Hwy. I-78 in Union Twp. She provided Mr. Polenz with a contact name and a phone number at NJ DOT.

c. Chris Tarricone – Risk Management Insurance Agent

Mr. Tarricone informed the Committee that the Agency has merged with another organization. The agency became a part of Wells Fargo Insurance Services. They are staying in the County, but will be relocating their offices from Three Bridges to Clinton Township.

Mr. Tarricone said that recently he and Mrs. Brennan have toured Township parks and Township owned properties (Milligan, Douglas, Finn Rd. Park, Old Town Hall and Hoffman). He provided Mrs. Brennan with written observations and questions. Mr. Tarricone summarized his concerns and recommendation regarding inspected properties. Mr. Severino asked that Michele McBride be copied on the letter.

Mr. Tarricone talked briefly about certificates of insurance issued for organizations using parks. He also notified the Committee that membership in the Joint Insurance Fund expires at the end of this year. He suggested that now would be the time to consider other options if that is what the Committee would like to do. Mr. Tarricone added that the only requirement by the current insurance fund would be a notice letter 90 days in advance that the Township is reserving the right to non-renewal of the membership. In absence of such letter, the Township automatically accepts membership for another three-year period.

Mr. Tarricone provided names of other organizations that the agency represent worth considering. He also explained differences between coverage the Township currently has and others that might be more appropriate for our needs.

Grace Brennan asked if the Committee would like her to forward a letter to the Joint Insurance Fund notifying them that the Township is considering different/other options.

Mrs. Dziubek made a motion to authorize Grace Brennan, Twp. CFO to send aforementioned letter. Mr. Severino seconded. Vote – Ayes; Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion carried.

d. Betsy Levin – Greenstar Recycling Company

Mr. Severino introduced Ms. Levin and stated that he contacted her seeking recommendations to assist the Township with its recycling obligations. He explained recycling practices that are presently followed by the Township. He said that the Township is looking to simplify recycling, make it more accessible to the public and increase tonnage.

Ms. Levin, after introducing the company, summarized the scope of operations. She said the facility is a state of the art system that provides streamline recycling. For the past 20 years they have practiced comingled recycling. Ms. Levin pointed out advantages and conveniences to residents of comingled recycling.

Briefly discussed were the procedures and technical aspects of picking up recyclables at the Township's Recycling Depot. The Committee, Michele McBride, and Lou Ann Minzner asked Ms. Levine various questions.

Mr. Haynes joined the meeting at 8:17 p.m.

REPORTS RECEIVED

a. Road Dept.- Week Ending 8/08/08; 8/15/08; 8/22/08

- b. Building Dept. – July 2008
 - c. UT Municipal Court – July 2008
 - d. Tax Collector – August 2008
- Environmental Commission – Meeting Minutes of June 10, 2008

CORRESPONDENCE

Mr. Bischoff mentioned the following:

- A letter from Lebanon Twp. revising their zoning fees. Mr. Bischoff suggested that Union Twp. Planning & Zoning fees should be reviewed.

Mr. Severino mentioned the following:

- Confirmed that Mr. Reymann was designated to be a contact person to HC Wastewater Management Plan (WMP).

Mr. Haynes mentioned the following:

- None regarding correspondence

Mrs. Dziubek mentioned the following:

- None regarding correspondence

Mr. Mazza mentioned the following:

- Tomorrow night he and Mr. Bischoff will be attending a meeting regarding State Police Issues.

PUBLIC COMMENTS

Mrs. Hirt, Union Twp resident, introduced Scott Howarth to the Committee. Mr. Howarth is a possible tenant for the Hoffman House. She said, in lieu of rent, Mr. Howarth would be acting as a security guard and perform some maintenance on the house. Currently he is working as a Park Ranger for the County. In the past, he owned and operated a construction company.

Mrs. Dziubek recommended that the Stewardship Committee get involved in the process of rental units.

Atty. Jost stated that the property is partially owned by the County, which would possibly require their approval.

The Committee asked Mr. Howarth to submit his proposal by the next Committee meeting.

Grace Brennan left the meeting at 8:40 pm

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **Motion** – Cozze Bros, LLC; 2008 Junkyard License Renewal Application

Matter tabled until tires have been removed from the junkyard site.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION 2008 - 143
UNION TOWNSHIP; HUNTERDON COUNTY
REFUND OF ERRONEOUS TAX PAYMENT**

WHEREAS, erroneous tax payment was made by Integra Management Corp on August 1, 2008 in the amount of \$3,117.42.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, that the refund of the erroneous tax payment be returned to Wells Fargo and that the Chief Financial Officer of the Township of Union is hereby authorized to issue a check in the stated amount.

Mr. Bischoff made a motion to adopt above resolution. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- b. The following resolution was introduced for adoption:

**RESOLUTION #2008-144
UNION TOWNSHIP; HUNTERDON COUNTY
CHANGE ORDER #1 – ROADWAY IMPROVEMENTS TO VAN SYCKEL’S ROAD**

WHEREAS, the Township Committee of the Township of Union has been notified by the Township Engineer, John Reymann, P.E., that it has become necessary to execute Change Order #1 for road improvements to Van Syckel’s Road; and

WHEREAS, the reasons for Change Order #1 are attached hereto and dated July 28, 2008; and

WHEREAS, the original contract dated July 24, 2008, with DeSantis Construction Co. for improvements to Van Syckel’s Road at the cost of \$101,020.60; adjusted contract price being \$94,306.18;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that Change Order #1 is authorized as follows – Original contract price \$101,020.60 (at a -6.6% decrease of \$6,714.42); revised contract amount \$94,306.18.

Mr. Bischoff made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- c. The following resolution was introduced for adoption:

**RESOLUTION 2008 - 145
CONFIRMATION OF PATTENBURG FIREFIGHTER APPOINTMENT**

WHEREAS, Chief Daniel VanFossen has supplied the 2007 roster of volunteer firefighters, and

WHEREAS, the following is that roster,

Jean Donato, Henry Gano, Mike Giannone, Nate Glotstein, Elmer Hahola, Chris Huschke, Sam Kohn, Rich Maliszewski, Tom Martin, Mark Metz, Don Miglis, Chris Miller, Jeff Polenz, Terry Polenz, J. Race, J. Race Jr., Ken Rembilas, Mike Sadusky, Andy Schneier, Roy Smith, Chris Szymanski, Eric Teschner, Jim Tonge, Doug Van Camp, Dan Van Fossen, Don Van Fossen, Jr., Don Van Fossen, Sr., Kathy Van Fossen, Dan Villone, Bob Wisnosky, Brendon Wolf, James Wyant, Jonathan Teschner

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union does hereby accept this list as the list of active members for 2007-2008, Pattenburg Volunteer Firefighters.

Mrs. Dziubek made a motion to adopt above resolution. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

d. The following resolution was introduced for adoption:

RESOLUTION 2008 - 146

**TOWNSHIP OF UNION
LENGTH OF SERVICE AWARD LIST**

WHEREAS, the Township of Union (“Sponsoring Agency”) deems it appropriate and necessary to act to ensure retention of existing volunteers to provide incentives for recruiting new volunteer firefighters;

WHEREAS, the Sponsoring Agency has determined that the creation of a Length of Service Award Program will enhance the ability of the municipality to retain and recruit volunteer firefighters;
WHEREAS, certain tax benefits could accrue to eligible volunteer firefighters;

WHEREAS, Chief Dan Van Fossen has supplied the list of 2007 eligible members and they are, Miachel Giannone, Samuel Kohn, Mark Metz, Christopher Miller, Theresa Polenz, Michael Sadusky, Chris Szymanski, Eric Teschner, Douglas Van Camp, Daniel Van Fossen, Donald Van Fossen, Robert Wisnosky, Chris Husche, James Race, Sr., James Race, Jr., Donald Van Fossen, Jr., and Kathleen Van Fossen

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Union approves the list of eligible firefighters for LOSAP contribution and hereby authorizes the Chief Financial Officer to make said contributions.

Mrs. Dziubek made a motion to approve above resolution. Mr. Bischoff seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. The following resolution was introduced for adoption:

RESOLUTION 2008-147

**Re: ARNOLD WITTE
14 Perryville Road, Pittstown, NJ 08867
Block 30 Lot 7**

WHEREAS, Arnold Witte, did post an excavation bond in the amount of \$500.00 for work performed at Block 30 Lot 7 in the Township, and

WHEREAS, the work and inspections are complete and the Certificate of Occupancy has been issued, and

WHEREAS, the construction department has requested that this bond now be released back to Arnold Witte,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond in the amount of \$500.00, be released to Arnold Witte,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Severino made a motion to approve above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

f. The following resolution was introduced for adoption:

RESOLUTION 2008-148
Re: ANTHONY SYLVAN POOLS
PO BOX 82820 ROUTE 22 WEST, Green Brook, NJ 08812
Block 29.01 LOT 24

WHEREAS, Anthony Sylvan Pools, did post an excavation bond in the amount of \$500.00 for work performed at Block 29.01 Lot 24 in the Township, and

WHEREAS, the work and inspections are complete and the Certificate of Occupancy has been issued, and

WHEREAS, the construction department has requested that this bond now be released back to Anthony Sylvan Pools,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond in the amount of \$500.00, be released to Anthony Sylvan Pools,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Severino made a motion to adopt above resolution. Mr. Haynes seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

g. The following resolution was introduced for adoption:

RESOLUTION 2008-149
Re: Approving the Funding Agreement for the Settlement with
Government Plaintiffs in the Consolidated Actions Entitled United States
of America v. Beckman Coulter, Et Als. And New Jersey Department of
Environmental Protection, v. American Thermoplastics Corp. Et Als.

WHEREAS, certain claims have been asserted against the Township of Union the Township in the consolidated actions entitled United States of America v. Beckman Coulter, Inc., et als., Civil Action No. 98-4812 (WHW) and New Jersey Department of Environmental Protection v. American Thermoplastics Corp., et als., Civil Action No. 98-4781 (WHW) pending in the United States District Court for the District of New Jersey (the "Litigation") regarding alleged environmental contamination at the Combe Fill South Landfill in Chester, New Jersey ("Site"); and

WHEREAS, certain Third-Party Defendant municipalities, school boards, school districts, colleges, parks commissions and housing authorities, including the Township of Union, are members of a group known as the Municipal Group in the Litigation; and

WHEREAS, the Municipal Group on behalf of its members engaged in settlement negotiations with the United States Department of Justice and the State of New Jersey ("Governmental Plaintiffs") under the supervision of the Honorable Esther Salas, United States Magistrate Judge; and

WHEREAS, the Governmental Plaintiffs in the Litigation have agreed to settle with the Municipal Group for all past costs, future costs, and natural resource damage claims related to the Site, pursuant to Consent Decree and Bar Order which will provide for contribution protection and no re-opener as to the municipal entities, except where there is fraudulent misrepresentation by a party of the amount or type of its waste, in exchange for a total payment by the Municipal Group of \$12 million ("Municipal Group Settlement Payment") together with interest beginning from December 8, 2007 at the Superfund rate of interest which currently is 4.34% APR; and

WHEREAS, a Funding Agreement has been prepared by the Municipal Group for the purpose of memorializing the allocation between the members of the Municipal Group for funding and enforcement of the payment of Municipal Group Settlement Payment together with interest from December 8, 2007 ("Funding Agreement"), a copy of which is annexed as Exhibit A; and

WHEREAS, the Mayor and Township Committee of the Township of Union have reviewed the terms of the funding agreement; and

WHEREAS, the Township Committee is authorized under N.J.S.A. 40A: 63-1, et. seq., to adopt resolutions for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law; and

WHEREAS, a Consent Decree and proposed form of Bar Order will be negotiated with the settling parties and the Governmental Plaintiffs in order to implement the settlement with the Governmental Plaintiffs; and

WHEREAS, it is further contemplated that an Escrow Agreement will serve as the mechanism for the deposit and protection of the Municipal Settlement Payment; and

WHEREAS, the Governing Body recognizes that the terms of the Funding Agreement are in the best interests of the Township and desires to approve the terms of the Funding Agreement and to authorize the Township to inform the Combe Fill South Municipal Joint Defense Group of the Township's intention to join in the settlement with the Governmental Plaintiffs in accordance with the negotiated terms.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey as follows:

1. That the Township agrees to participate in the settlement of the Litigation based upon and to the extent of the understandings and representations set forth above as well as the attached

exhibits, and authorizes the Mayor to sign the Funding Agreement.

2. The Township is hereby specifically authorized to communicate to the Combe Fill South Municipal Joint Defense Group the Township's passage of this resolution.
3. It is further anticipated that authorization to enter into an Escrow Agreement and Consent Decree embodying the terms of the settlement described herein will also be required, with such authorization to be sought in a subsequent resolution.
4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Severino made a motion to adopt above resolution. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

h. The following resolution was introduced for adoption:

RESOLUTION # 2008-150
Re: Interlocal Services Agreement
For Shared Municipal Courts with Clinton Township

Adoption of the above resolution will be considered following Executive Session.

i. **Discussion** – Charges for State Police Services – Rural Policing

Mr. Severino asked Atty. Jost to obtain additional information regarding various police data. Mr. Severino will be in contact with Atty. Jost regarding the issue. Subject was briefly discussed earlier in the meeting under Mr. Polenz's report.

j. **Discussion** – Salary for an Administrative Assistant

Mr. Bischoff reported that the candidate selected for the position was offered \$16.00 per hour, but would not except the position at that rate. She asked for \$18.00 per hour, no benefits, or increases to the salary for the next two years.

Mrs. Dziubek was not in favor of raising the starting rate, saying that it is not the rate budgeted by the Committee.

Mr. Haynes concern was a lack of job description for the position. Without a job description, he was unable to determine appropriate compensation. Mr. Bischoff will prepare a job description for the Administrative Assistant position.

Mr. Bischoff recommended and made a motion that Patricia Essig be hired as an Administrative Assistant at the rate of \$18.00 per hour, not to exceed 19.5 hours per week. No pay increases for two years from the date of hire will be considered. January of 2011 would be the year for pay raise consideration. No benefits are offered for the position. Mr. Severino seconded the motion.

Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza. Nays: Mr. Haynes, Mrs. Dziubek. Motion Carried.

NEW ORDINANCE – 1st Reading – None

REPORTS**a. Engineer's Report** – a copy of the report has been submitted

- Change Order #1 to Van Syckel's Rd. needs to be signed tonight.
- Road Maintenance and Repair Contract for 2008 has been completed.
- Was contacted by Mr. Robert Fallone who expressed an interest in starting construction of the road improvements at the Renaissance at Union without posting a bond. Everyone was of the opinion that the bond has to be posted before any construction begins.
- There was another inquiry from a Township resident to NJ DEP, regarding not receiving Stormwater Education Brochure. Engineer Reymann responded in writing.
- Will be attending County Wastewater Management Plan on September 30, 2008.
- In order to start working on drainage problem on Van Syckel Corner Rd. & Coachmen Drive an easement is required. Will work on the issue with Atty. Jost.

b. Attorney's Report – Mr. Jost reported the following:

- Sent a letter regarding speed limit on Gravel Hill Rd. Clarification is needed from the State on the response letter that was briefly discussed. Atty. Jost will call the State to seek clarification on advice given in the letter.
- Has matters for Executive Session.
- Mr. Severino asked if progress was made on the issues with cats running loose at the abandoned property on Rt. 173. Atty. Jost will update the Committee at their next Committee meeting.

c. Mayor's Report – none**d. Committee Report**Mr. Haynes reported the following:

- Explained problem with an engine in one of the Road Dept.'s trucks. Mr. Haynes said that Mr. Hermann, Rd. Dept. Foreman, obtained two estimates for engine replacement. One is from Automotive Repair Tech, LLC is in the amount of \$9,006.80. The second one is from Geil's Automotive in the amount of \$6,500.00, who has worked on the motor before. These motors are reconditioned. Briefly discussed were various options regarding the truck.

Mr. Bischoff made a motion to approve purchase of the motor for the amount of \$6,500.00. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- Asked about reservation regarding hotel reservation for 2008 NJ League of Municipalities Conference.

Mrs. Dziubek reported the following:

- Request for Proposals were sent out for COAH Milligan Project.
- Attended Pre-submission Conference for Milligan project. Five interested parties in the project also attended. The Twp.'s Special Counsel on COAH will answer their questions after review.
- More documents and information is needed for the Balanced Housing Grant overseen by Mr. Sanders at DCA.
- Mrs. Dziubek expressed her disappointment that documents, such as separate original Appraisals for the Milligan project, could not be located. She said the way documents are circulated among various

agencies, professionals and the municipal office has to change to avoid future problems. Shortly discussed were ways of handling all municipal records.

- COAH Subcommittee meeting is scheduled for the end of September. At that time, submitted proposals for the Milligan project would be discussed as well as evaluating current COAH obligations. RCA's have been removed as an option.

Mr. Severino reported the following:

- No report at this time.

Mr. Bischoff reported the following:

- Brought to the Committee's attention that it is a State requirement for all vital statistics records to be stored in a fireproof filing cabinet. Currently vital statistic records are stored in two different locations, upstairs and downstairs. The Clerk provided prices for fireproof filing cabinets. Clinton Business Products, a local merchant, has one available for \$1,080.09 and Staples price is \$949.99. The Committee was in favor of purchasing the cabinet from Clinton Business Products if the price did not exceed \$1000.00

Mr. Haynes made a motion to approve purchase of the four drawer fireproof filing cabinet from the local merchant and not to exceed \$1000.00, including delivery. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

e. Clerk's Report

- Motion to approve Application for Special Permit for Social Affair – Trade Association of Paddlesports.

Action on above-mentioned application was taken in the beginning of the meeting.

PUBLIC COMMENTS

Michele McBride, member of the UT Environmental Commission reported the following:

- Lack of funds for Newsletter Fall Supplement. A variety of possibilities to fund the newsletter were discussed. Mr. Severino pointed out the importance of the newsletter as it communicates important matters to Township residents.
- Updated Committee on a Demolition Project and RFP's for long term lease for the Hoffman house.
- Gave an update on preservation option and long-term plan for Douglass Farm.
- Presented possibility of obtaining Planning Incentive Grant, which is a state administered program that aims to preserve multiple farms with one application. She also said it is a matching program with municipality contributing 20% of the grant.
- Paige DiRoberto explained, in detail, structure and requirements to receive the grant. She said that one of many requirements is the establishment, by ordinance, of a Union Township Agricultural Advisory Committee.

The Committee asked various questions regarding the grant. After extensive conversation between Ms. DiRoberto and the Committee, she said that the immediate action (September 15th) by the Committee is a letter of intent to the County. The letter would give the Committee an option to proceed with this grant.

The Committee suggested contacting Mr. Balzano, Twp. Environmental Specialist, seeking his professional advice regarding PIG grant.

Mr. Bischoff made a motion to authorize the Mayor to sign the letter of intent to the County Agricultural Development/Advisory Board regarding the Township's intention to submit PIG Grant Application subject to Committee and Attorney review. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mr. Bischoff thanked and expressed appreciation to Ms. McBride and the Environmental Commission for her involvement and time dedicated to all projects she is working on.

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Twp Engineer Reymann left at 10:41 pm.

EXECUTIVE SESSION

At approximately 10:42 p.m., the following resolution was introduced for adoption:

RESOLUTION #2008-151 EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Contract Negotiations, Potential Litigation and Personnel/Contract Negotiations.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At 11:17 pm, Mr. Severino made a motion to come out of the Executive Session. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Atty. Jost introduced the following resolution for adoption. He stated that the financial data provided in the resolution has to be verified. Revised copy of the resolution will be provided to the Committee and the Clerk for meeting minutes.

RESOLUTION #2008-150 Re: Interlocal Services Agreement For Shared Municipal Courts with Clinton Township

WHEREAS, the Township of Union and the Township of Clinton desire to enter into an agreement for shared municipal courts to be located in the Township of Clinton; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. and N.J.S.A. 2B:12-1.c; and

WHEREAS, Union Township on November 7, 2007 and on May 7, 2008 adopted ordinances providing that the Mayor, on behalf of the Township Committee, is authorized to enter into a shared services agreement to provide jointly for courtrooms, chambers, equipment, supplies, and employees for the municipal courts of the Township of Union and another municipality, without establishing a joint municipal court, and:

WHEREAS, the Union Township Committee has determined, in consultation with the Township's Chief Financial Officer, that the Union Township Municipal Court has incurred cumulative losses of \$155,781.07 during the years 2003, 2004, 2005, 2006 and 2007 based upon audited figures, and the Municipal Court is projected to have a loss as of 7/31/2008 of \$38,894.01, as estimated by the Township's Chief Financial Officer; and

WHEREAS, the governing bodies of Clinton Township and Union Township have determined that certain economies would be derived from such shared municipal courts, by providing efficient consolidated services in municipal court proceedings; and have conducted extended negotiations regarding the establishment of shared municipal courts in Clinton Township's municipal court facility; and

WHEREAS, Clinton Township and Union Township have proposed to enter into the attached Interlocal Services Agreement for Shared Municipal Courts, pursuant to N.J.S.A. 2B:12-1 (c), to be located at facilities to be provided by Clinton Township, and which provides that Union Township shall, upon the occurrence of certain events, ultimately share the same Municipal Judge, Prosecutor, and Public Defender as are appointed by Clinton Township; and

WHEREAS, the Township Committee is of the opinion that in addition to effectuating significant cost savings for the taxpayers of Union Township, a shared court facility in Clinton Township will free up needed space at the Union Township Municipal Building for other municipal purposes, and will also eliminate the concerns associated with conducting a municipal court in the Union Township Municipal Building, such as congestion and parking, as well as liability and security issues; and

WHEREAS, Union Township presently has no municipal police department and is subject to the jurisdiction of the New Jersey State Police, who do not provide security to the Union Township Court on a dedicated basis, and Clinton Township is capable of providing such security services on a shared basis; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, as follows:

1. The Interlocal Services Agreement for a Shared Municipal Court (pursuant to N.J.S.A. B:12-1(c)) between the Township of Clinton and the Township of Union, to provide for the Sharing of Facilities, Personnel and Resources By their Municipal Courts, is hereby approved, and the Mayor and Township Clerk are hereby authorized to execute same, and to forward to the Assignment Judge and Municipal Division Manager of Vicinage 13 of the Superior Court an original fully signed copy of said Agreement, together with a certified copy of this resolution, who will thereafter, through the Municipal Division Manager, provide a copy to the Administrative Office of the Courts for processing, subject to and contingent upon all of the following:

MINUTES OF REGULAR MEETING September 3, 2008

- a. Acceptance and signing by Clinton Township of the terms and conditions of this resolution and the Interlocal Services Agreement
 - b. All governmental approvals required for implementation of the Interlocal Services Agreement.
2. A copy of the Interlocal Services Contract shall be on file in the office of the Township Clerk for inspection by the public.
3. This resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt above resolution subject to verification of the financial data. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 11:20 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC
Municipal Clerk